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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,898	04/11/2005	Masahito Imamura	7398/8-4065	8880
42798 7590 04/01/2009 FITCH, EVEN, TABIN & FLANNERY P. O. BOX 18415 WASHINGTON, DC 20036			EXAMINER CHAPMAN, JEANETTE E	
			ART UNIT 3633	PAPER NUMBER
			MAIL DATE 04/01/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/500,898

**Applicant(s)**

IMAMURA ET AL.

**Examiner**

Jeanette E. Chapman

**Art Unit**

3633

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 10-14, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 18 is/are rejected.
- 7) ☒ Claim(s) 10-14 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 4-7, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schilling (61627480 in view of Tanno (6706800), Alts (6569509) and WO 03/021096

Claim 1

Schilling et al discloses a floor laying material laid on a floor panel provided within a cabin of a vehicle, comprising: a carpet layer 15 and a buffer layer 25.

Alts a covering layer having a front-to-back flow resistance value adjusted between 900 and 2000 thus including the recited 100 Nsm-3 and 1000 Nsm-3.

WO 03/021096 discloses a buffer material layer made of a material having an air wrapping property, capable of being layered on the back surface of said carpet layer, and having a front-to-back flow resistance value adjusted between 200 and 10,000 and hence including 40 Nsm-3 and 800 Nsm-3.

Tanno et al discloses a molding material made of a thermoplastic resin formed in a powder or a fiber state is dispersed within said carpet layer.

Claim 2

Alts discloses said flow resistance value of said carpet layer is adjusted between, 900-2000 thus including 100 Nsm-3 and 500 Nsm-3.

Claims 4, 18

Tanno discloses molding material of thermoplastic resin formed in a fiber/powder state is dispersed within said carpet layer.

Claim 5

With the modification of the above to secondary references, the floor laying material according to wherein said flow resistance value of said carpet layer of said floor laying material laid at a position substantially near a prime mover equipped in said vehicle is set to be lower than said flow resistance value of said carpet layer of said floor laying material laid at a position relatively away from said prime mover.

Claims 6-7

The thickness of said buffer material layer is provided to have a thickness of 5 mm or more when laid on said floor panel has been considered a matter of choice lacking criticality and relevancy since applicant has not shown that thickness values away from the above recited measurement cause the material to function inferiorly or different than the prior art.

In view of the above it would have been obvious to modify Schilling in view of the cited secondary references to improve the sound absorption properties.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schilling (61627480 in view of Tanno (6706800), Alts (6569509), WO 03/021096 and further in view of Kerstetter (3809589)

Claim 3

Schilling lacks the joining strips made of a thermoplastic resin are discontinuously arranged on the back surface of said carpet layer, such that said carpet layer and said buffer material layer are layered through said joining strips. Kerstetter discloses a carpet layer 5 and a buffer layer 10. Kerstetter discloses the joining strips 9 made of a thermoplastic resin, column 3, line 3-14, are discontinuously arranged on the back surface of said carpet layer, such that said carpet layer 5 and said buffer material layer 10 are layered through said joining strips 9. It would have been obvious to apply the joining strips or adhesive in the manner suggested by kerstetter to improve the ventilation properties of the floor laying material.

Applicant's arguments are moot in view of the new ground of rejection

Claims 10-14 and 19 are allowable over the prior art of record

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette Chapman whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6743. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JEANETTE CHAPMAN/  
PRIMARY EXAMINER  
ART UNIT 3633

